

REMARKS

In the present Amendment, claims 1, 5, 7 and 15 have been amended to recite that R³ represents a monovalent substituent other than a hydrogen atom. Support for this amendment may be found, for example, at page 13, lines 10-11 of the specification. This amendment is also consistent with the prosecution history in which “a hydrogen atom” was deleted from the definition of R³. See the Amendment filed July 18, 2006. No new matter has been added, and entry of the Amendment is respectfully requested.

Entry of the amendment “after final” is proper because the amendment simply makes express what was already implicit in the claim and clear from the prosecution history. The amendment also places the application in condition for allowance.

Claims 1-3, 5-8, 10-13 and 15 are pending.

In Paragraph No. 4 of the Action, claims 1, 2, 3, 5, 7, 8, 10, 13 and 15 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hauck et al (U.S. 6,309,792 B).

Applicant submits that this rejection should be withdrawn because Hauck et al does not disclose or render obvious the lithographic printing plate precursor of the present invention.

In the Amendment filed July 18, 2006, Applicants amended claim 1 to incorporate the recitations of claim 4, and to delete -O- and -NH- from the Markush group for X and to delete a hydrogen atom from the Markush group for R³. Thus, the claim recited that R³ represents “a monovalent substituent.” In the present Action, the Examiner maintains the rejection based on Hauck et al, taking the position that an H atom is a monovalent substituent.

As noted above, claim 1 has been amended to expressly recite that R^3 represents a monovalent substituent other than a hydrogen atom, thus distinguishing Hauck et al.

Reconsideration and withdrawal of the § 102(b) rejection based on Hauck et al are respectfully requested.

In Paragraph No. 5 of the Action, claims 1, 2, 3, 5, 7, 8, 10, 13 and 15 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Munnelly et al (WO 03/041962 A1).

Applicant submits that this rejection should be withdrawn because Munnelly et al WO '962 does not disclose or render obvious the lithographic printing plate precursor of the present invention.

The Examiner has dropped her previous reliance on Example 7 of Munnelly et al. The Examiner now relies only on Example 5 of Munnelly et al.

The statement of the rejection based on Example 5 of Munnelly et al is the same as in Paragraph 8 in the previous Office Action, except that the Examiner adds a statement that "present X would be $-N(R^3)-$ in which R^3 is H atom (H atom is a monovalent substituent)."

As noted above, claims 1, 7 and 15 have been amended to expressly recite that R^3 represents a monovalent substituent other than a hydrogen atom, thus distinguishing Munnelly et al, in addition to Hauck et al.

Reconsideration and withdrawal of the § 102(a) rejection based on Munnelly et al are respectfully requested.

Amendment Under 37 C.F.R. § 1.116
U.S. Appln. No.: 10/781,862

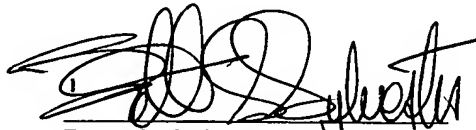
In Paragraph No. 6 of the Action, claims 6, 11 and 12 are objected to as being dependent upon a rejected base claim. These claims are indicated to be allowable if rewritten in independent form.

Applicant respectfully submits that claims 6, 11 and 12 are allowable in their present form in view of the above responses to the rejections based on Hauck et al and Munnelly et al.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brett S. Sylvester', is written over a horizontal line.

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